[redacted]

[redacted]

[redacted] PIPELINES

[redacted] APPLICATION

TO THE NEB

[redacted], 1984

LANDOWNER SURVEY OF THE TRANSCANADA PIPELINES 1981 FACILITIES APPLICATION TO THE NEB

Prepared by

L.F. Parsons, Environmental Planner
Ontario Ministry of the Environment
Environmental Approvals Branch
Environmental Assessment Section
May 19, 1981

TABLE OF CONTENTS

		Page No.
1.0	INTRODUCTION	1
2.0	RESEARCH METHODS	5
3.0	STUDY FINDINGS	7
4.0	ANALYSIS AND CONCLUSIONS	14
5.0	RECOMMENDATIONS	18

APPENDIX A STUDY INTRODUCTION STATEMENT AND TELEPHONE SURVEY QUESTIONNAIRE

APPENDIX B SAMPLE INDICATION OF INFORMATION PROVIDED TO LANDOWNERS

1.0 INTRODUCTION

In October of 1978, the Ministry of the Environment published a report entitled "An Environmental Study of the Interprovincial Pipeline Limited, Sarnia-Montreal Extension". Part of those studies which commenced with the provincial involvement of the Ministry of the Environment during 1973 examined social impacts of pipeline construction upon landowners. The results of the Ministry of the Environment studies and involvement were published in October of 1978. That study concluded that

> *"This Ministry's investigation of the effects of the IPL Sarnia to Montreal construction represents one of the first investigations of this type of pipeline construction for Ontario. Since the institution of these studies, this Ministry has also investigated in a more informal manner, the construction of other pipelines that fall under the jurisdiction of the National Energy Board and the Ontario Energy Board. We have found, in general terms, that the basic problems identified in this report are not unique to the Interprovincial Pipeline Construction. Therefore, we feel that the recommendations which follow, if implemented, may help to improve the current state of practice and planning for all pipeline developments in this province."*

The Ministry of the Environment, therefore, considers that we have served notice on TransCanada PipeLines Limited and the National Energy Board about this Ministry's concern relative to social impacts.

In this light, the Ministry of the Environment feels that it is appropriate, at this time, to highlight amongst the the other Recommendation 4.1.3 on Page 110 of that Report,

> *"Special effort should be made by the company or their consultants to encourage public involvement and participation such that public concerns will be identified at an early stage and documented in the environmental report. More specifically, we would suggest the following:*
>
> *a) all landowners on alternative routes considered should be generally notified of the company's application for certification. So, too, in the discretion of the National Energy Board, should other persons or groups whose participation would be beneficial. There are many different ways that this notification can be made. We would encourage the pipeline companies and the Board to review current procedures and available studies to determine the most effective means.*
>
> *b) All such persons mentioned above should have the opportunity of participating in local information exchange meetings that could be held (by the company or their consultants) to determine the best possible location of the proposed line, the most appropriate planning of construction timing, land acquisition and construction procedures for the people affected. Other public participation techniques can be of value in determining these concerns as well."*

The results of these studies have been referred to many times in discussions with both the National Energy Board and TransCanada PipeLines Ltd. representatives. Ministry of Environment representatives have pointed out to TransCanada PipeLines the importance of public participation particularly as it involves those parties who might eventually be faced with a right-of-way easement across their property.

During Ministry of Environment field inspections, casual discussions with a few landowners indicated to representatives of this Ministry that these landowners appeared to be poorly informed concerning TransCanada PipeLine proposals involving their property. These field investigations by Ministry staff occurred early in May in the Brampton to Burlington sections. A meeting was held May 8, 1981 between the Ontario Pipeline Co-ordination Committee and TransCanada representatives. One of the concerns discussed at that meting involved Land owners. TCPL were asked if landowners were aware of the NEB hearings. They were also asked whether or not these same landowners had been provided with any information concerning their pipeline proposals. Their representatives indicated that the landowners were aware and that information had been provided to the landowners concerning T.C.P.L. proposals.

Since the information obtained from TransCanada PipeLine representatives at that meeting did not seem to concur with statements made by landowners, the Ministry of the Environment decided to conduct some investigations of its own by carrying out a landowner survey of a random sample

of landowners identified by TransCanada PipeLines. These landowners were situated in the Morrisburg and in the Brampton to Burlington areas. The principal objectives of the survey were to:

1. determine if landowners were aware of TCPL proposals involving their properties;

2. to obtain an indication of the amount and extent of information provided to them concerning this application;

3. whether or not these landowners were aware of the National Energy Board hearings scheduled to start May 19, 1981 in Ottawa;

4. whether or not landowners were notified by the means of notice specified by the National Energy Board;

5. whether or not landowners would like to be notified prior to the National Energy Board hearing in the event they were not;

6. an indication of their preferred method of notification;

7. whether or not they are aware of additional sources of information concerning the pipeline proposals;

8. whether or not they would like to be provided with additional information concerning TCPL's plans as they involve their property prior to the time of the NEB hearing.

2.0 RESEARCH METHODS

In TransCanada PipeLines' response to an NEB deficiency letter #1 dated February 17, 1981, TransCanada provided a line list of all property owners and/or tenants affected by the proposed construction.

The respondents were selected from these lists. Only private landowners were selected. Lands owned by government and the pipeline industry were not included. Private property owners whose names appeared more than once on the line lists were only counted once for the purposes of this survey. The total sample size for the Morrisburg section totalled 47 landowners. For the Brampton to Burlington section, the total sample size represented 82 landowners. In order to be provided with an accurate indication of the information required, it was decided to select a 25% sample of the total number of private landowners identified for each area involved.

The method of interviewing the selected respondents was by telephone. A standard introduction and set of questions was used and can be found in Appendix A of this report. The telephone interviews began during the week of May 11. The surveys were completed for the Morrisburg section of the application during that week. Study findings for the respondents in the Brampton to Burlington section were started, but not completed. These studies were undertaken subsequent to the notice required by the National Energy Board, but before National Energy Board hearings such that the results should provide a very accurate indication of landowner knowledge prior to the NEB hearing concerning the T.C.P.L. proposals. Telephone interviews ranged between 10 to 20 minutes with a few exceptions. A total of 11 landowners which represents a 25% sample were selected from the Morrisburg line lists. A total of 21 landowners were selected from the Brampton to Burlington

sections to represent the 25% sample. The response rate for the Morrisburg section was extremely good. Only two respondents could not be contacted after four attempts. Readers should note that if respondents could not be reached after four attempts, no further effort was made to contact them. This response rate represents an 82% return for the Morrisburg area. As mentioned previously, the Brampton to Burlington studies were not completed.

3.0 STUDY FINDINGS - MORRISBURG

The results of the survey are summarized below according to question number corresponding to the questionnaire found in Appendix A.

Q. 1: Are you one of the owners or a designated representative of the owner of the property described?

Response: 100% of those responding indicated affirmatively.

Q. 2(a): Prior to my call where you aware of a proposal by TCPL to construct a new high pressure pipeline across your property?

Response: 100% of those surveyed indicated that they were aware of TCPL proposals.

Q. 2(b): On what date and by what method did you first become aware of TCPL's proposals to construct this new pipeline?

Response: All landowners indicated that they were first informed during February and March of 1981.

78% indicated that they had first become aware of TCPL's proposals from pipeline officials. Respondents indicated that this contact came from a person they identified as an agent, or representative or in some cases specifically named Mr. Badgley of TCPL.

22% of landowners surveyed indicated that they had heard about these proposals by word of mouth. The source identified for this information was neighbours.

11% indicated that it was felt they first became aware of TCPL proposals by means of a newspaper story. However, there was some uncertainty concerning the newspaper source.

Q. 2(c): Could you please summarize what you now know about this project.

Response: Landowner knowledge concerning the project seemed to vary considerably depending on the individual. Further questions were often asked to probe the respondents in an attempt to refresh their memories or remind them of points that may have been discussed. The following list of information represents specific and general items of information concerning the project that landowners indicated they were aware of.

1. Points mentioned by approximately 44% of respondents:
   - don't know very much about the project

2. Points mentioned by at least 33% of respondents:
   - general route information provided
   - specific property information provided
   - width of right-of-way provided
   - easement or option for easement agreement provided

3. Points mentioned by 22% of the respondents:
   - company stated any damage to the property will be settled after construction
   - landowners indicated specific property concerns were identified and discussed
   - construction scheduling was discussed

4. Points mentioned by 11% of the respondents:
   - size of pipe

During these discussions, it was apparent that a few of the landowners sampled felt somewhat frustrated because they felt that they had little or no choice with respect to the placement of these facilities on their property. Some indicated that they felt they had little choice in the matter of route location and that they had resigned themselves to the presence of the pipeline on their property.

A number of landowners made reference to the Interprovincial PipeLine facilities referenced earlier in this study and the problems that they had experienced with this pipeline company and their contractors. Most landowners, however, seemed well aware that this was a different company and appeared hopeful that TCPL performance would be much better than that experienced during the Interprovincial Pipeline construction.

At least one landowner indicated that he was a new property owner, and as a result, knew very little about pipeline construction on his property even though other pipelines crossed his property. Therefore, he indicated that he

relied on the information that the company might provide to him. Most other landowners surveyed had already had considerable experience with previous pipeline facilities constructed on their property by Interprovincial Pipeline Limited or TransCanada PipeLines Ltd.

Q. 2(d): What written information have you been given by TCPL or their representatives about the proposed pipeline and about your rights as a landowner?

Response: Items identified by 100% of the respondents:
- option for easement agreement.

Items identified by 44% of the respondents:
- property maps provided indicating proposed pipeline location.

Items identified by 11% of the respondents:
- property maps shown, but not left with landowner.

One landowner surveyed offered to send a copy of all written information that he had available. That information can be found as an example in Appendix B of this report.

Q. 3(a): Are you a member of either the Ontario or Canadian Federation of Agriculture?

Response: 11% of the respondents indicated yes.
89% of the respondents indicted no.

Q. 3(b): What newspaper(s) do you regularly read?

Response: The following is a list of those newspaper identified by the respondents with the percentage of respondents indicating regular readership:

- Ottawa Citizen	67%
- Morrisburg Leader	67%
- Cornwall Standard Freeholder	33%
- Country Guide	33%
- Eastern Farmer	33%
- Farm and Country	22%
- Report on Farming	22%
- Western Farmer	11%
- Stouffville Tribune	11%

Q. 3(c): Do you know who to contact to obtain information about this pipeline project?

Response: 89% of the respondents indicated that they felt there was someone they could contact to obtain information. Only 11% of the respondents indicated that they did not know who to contact to obtain information about the project.

Q. 3(d): Would you like to be provided with information concerning TCPL's plans that involve your property prior to the time of the National Energy Board Hearing?

Response: 78% of the respondents indicated that they would like to be provided with more information concerning TCPL plans that involve their property prior to the NEB Hearing. Only 22% of the respondents indicated that they did not require further information concerning TCPL's plans.

Q. 4(a): Are you aware that there is a hearing now scheduled for May 19, 1981 by the National Energy Board in Ottawa to determine whether or not the construction of these facilities will be approved.

Response: 100% of the respondents indicated that they were not aware of the May 19, 1981 scheduled National Energy Board hearing in Ottawa. Therefore, Q.4(b) was not asked.

Q. 5(a): Would you like to be notified prior to the time of the hearing referred to above concerning the plans of TCPL to build another pipeline across your property?

Response: 67% of the respondents indicated yes
22% of the respondents indicated no

Q. 5(b): Please select and rank from the following list the three best ways of notifying you of this project.

Response: 100% of the respondents selected the written legal notice sent by registered mail to their home or business address. This method of notice was ranked as #1 by 78% of the respondents and as #2 by an additional 22% of the respondents.

The second best method of notification indicated by a total of 56% of the respondents was considered to be a newspaper story. 11% of the respondents indicated that this would be their first choice as a method of becoming informed about the project. 33% indicated that it would be their second choice as a method of becoming informed about the project and a further 11% indicated that it would be their third choice as a method of becoming informed about the project.

33% of the respondents indicated that an FM radio announcement was considered to be their third choice as the best method of obtaining information concerning the project.

A personally or handwritten legal notice and a written legal notice sent by certified mail to the respondents home or business address were both considered appropriate by only 22% of the respondents.

Local organizations and other categories as might be specified by the respondents received no attention.

All other categories were selected by at least 11% of the respondents as their second or third choices as a method of becoming informed about the project.

4.0 ANALYSIS AND CONCLUSIONS

The information provided by the survey of the Morrisburg landowners indicates that all landowners were aware of proposals by TransCanada PipeLines to construct a new high pressure pipeline across their property. These landowners apparently became aware of the proposals primarily due to TransCanada PipeLine representatives efforts. The principal source of written information available to them was the option for easement agreement. In approximately 50% of the cases sampled, property maps of the pipeline alignment on the landowners property were also supplied with those easement agreements.

Aside from the general information supplied to landowners by TransCanada PipeLines, the landowners apparently had a relatively minimal amount of information. This is supported to some extent with statements by approximately 50% of the landowners that "they didn't know much about the project." However, after additional probing by the Ministry Researcher, it was ususally discovered that the landowner knew a little more about the project than was initially indicated.

However, an important finding of the studies was that 100% of the landowners stated that they knew nothing about the National Energy Board Hearing scheduled for May 19, 1981 in Ottawa. Apparently, TransCanada representatives had approached landowners as mentioned earlier with general information and with a particular view to obtaining options for easement agreements to construct this pipeline on their property. Unfortunately, the representatives apparently left no additional information to advise landowners about the National Energy Board Hearings and

about the importance of these hearings with respect to the rights that would be conveyed to the company with any Certificate of Public Convenience and Necessity issued by the NEB.

Another point of major importance is the time when the landowners are provided with the opportunity to discuss compensation for damages on their property. TransCanada indicated that these matters would be taken care of after construction was completed (see Appendix B Nov. 1/79 letters, Gillespie to Humenuik). Many landowners responding to the T.P.L. studies and to this study have indicated to ministry researchers that they want to discuss compensation and related issues prior to construction, not after.

In fairness to TransCanada PipeLines, the National Energy Board did not require notification or other information to be provided directly to the landowners involved.

The National Energy Board notice requirements are not specifically spelled out in the National Energy Board Act and are left to the discretion of the Board. In this case, the Board apparently required TCPL to provide written legal notice to be published in the following newspapers: The Ottawa Citizen, Le Devoir and the Globe and Mail. Notice was also required to be provided to the Canada and Ontario Federations of Agriculture.

Landowner response to question 3(a) asking whether or not the landowners are a member of either the Canadian or Ontario Federation of Agriculture brought an 89% negative response from those surveyed. Landowners who do not belong to either of those organizations would be unlikely be informed of the project from those sources. Landowners who did belong still did not know about the scheduled NEB hearings.

Landowner response to question 3(b) indicated that 67% of the respondents did read the Ottawa Citizen on a regular basis. This, of course, was one of the newspapers where the National Energy Board had apparently required Notice be given. Yet, the same landowners who indicated that they regularly read the Ottawa Citizen were unaware of the scheduled National Energy Board Hearings concerning whether or not the construction of these facilities would be approved on their property.

We consider it significant that 67% of the respondents indicated that they would like to be notified prior to the time of the National Energy Board Hearing referred to above concerning the plans of TransCanada PipeLines to build another pipeline across their property.

An additional 78% indicated that they would like to be provided with additonal information concerning TCPL plans that involve their property prior to the time of the NEB Hearing. Also, landowners clearly indicated the means by which they prefered to be notified and provided with information. The method indicated, as a first choice, was registered mail to their business or home address.

The fact that 89% of the respondents were apparently aware of who they felt they might contact to obtain additional information and that basic information had been supplied, does not appear to have affected their judgement that additional information should be provided to them. The Ministry of the Environment feels that while a certain responsibility rests with the landowners to inform themselves, the notice and supply of information requirements placed on TCPL by the National Energy Board are vitally important to informing the landowners.

Although landowner surveys for the Brampton to Burlington sections were not completed, the survey samples that were gathered have indicated findings generally consistent with those reported concerning the Morrisburg area.

5.0 RECOMMENDATIONS

We would like to again draw the TransCanada PipeLine Company and National Energy Board, attention to the findings of the report entitled "An Environmental Study of the Interprovincial Pipeline Limited, Sarnia-Montreal Extension, October 1978" published by the Ministry of the Environment. We would like to again remind the NEB that most of the recommendations in that report apply to this T.C.P.L. application. Most particularly, we would like to highlight an applicable recommendation in addition to those already mentioned in the introduction of this report.

Recommendation 4.2.6 (page 115) of the IPL Report recommends that,

> *"the National Energy Board prepare a comprehensive, standardized, easily read public document that would be presented to landowners by any pipeline company proposing construction activities on their property. The document could include, for example, an explanation of the rights and privileges that the landowner has generally available in his negotiations with the company in question. The document might explain in simple terms some of the more usual provisions of the legal agreements required between the landowner and the pipeline company and suggest more appropriate private legal consulation. The document could include a check list of items that the landowners should consider in his discussions with the pipeline company representatives. For example, livestock access, fencing requirements, top soil removal and replacement, tree protection, farming equipment access, etc.*

It is possible the Board may wish to attach addenda to the standard document that would identify more specific concerns relating to individual pipelines".

The Ministry of Environment recommends that all landowners to be affected by a pipeline construction proposal:

a) be personally notified by registered mail or personal delivery a minimum of 30 days in advance of any scheduled National Energy Board Hearings concerning any application(s) that affect their property.

b) be provided with basic information such as set out in the recommendation referred to earlier (4.2.6). In addition, the landowners, should be provided with a list of contact people, names, addresses and telephone numbers for the pipeline company representatives, the National Energy Board Secretary and appropriate Ontario Government representatives.

c) receive a copy of any and all agreements, detailed construction plans, or specifications and drawings as these apply to their property, a minimum of 15 days in advance of a board 'Leave Order to Construct'. (This is an order subsequent to a hearing and granting of a Certificate of Public Convenience and by the NEB before a pipeline company can commence construction). These documents should include any requirements agreed to previously between landowner and pipeline company representatives and become part of the contractual requirements. Landowner compensation measures shall also be established at this time. The provincial government and landowners in certain instances may wish to have this information available prior to any NEB certification hearing.

d) be provided better opportunity to attend any hearings by holding them in the locality affected by the pipeline proposals.

The Ministry of the Environment has undertaken this study, with a view to furthering the understandings between the Federal and Provincial Government, the public and the Pipeline Companies relative to Social impacts. The social impact studies and observations of ministry representatives has shown that poor planning and construction practices can lead to the creation of negative social impacts.

APPENDIX A

STUDY INTRODUCTION STATEMENT AND TELEPHONE SURVEY QUESTIONNAIRE

MAY 1981

LANDOWNER'S SURVEY

TransCanada PipeLines, 1981 Facility Application
(Brampton to Burlington Loop and Morrisburg Loop)

INTRODUCTION

My name is L.F. Parsons and I am an environmental planner with the Ontario Ministry of the Environment. I am contacting you with respect to a landowner's survey that the Ministry has initiated concerning a proposal by TransCanada PipeLines Ltd. to construct a high pressure gas transmission pipeline on your property.

This pipeline project is under the Federal jurisdiction of the National Energy Board. It is intended that this survey determine whether the issues raised with this Board by this Ministry and the Ontario Government on prior occasions have been adequately addressed by this pipeline company. We are trying to determine the extent to which further changes in future pipeline construction procedures will be recommended by Ontario to the Federal Government.

We are asking for your co-operation in answering a few questions. Could you please spare about five to ten minutes of your time.

If Requested:

For further information with regard to this project, contact Mr. G. Yorke Slader, Secretary, the National Energy Board, 473 Albert St., Ottawa, Ontario K1A OE5, telephone number 996-2174.

LANDOWNER QUESTIONNAIRE
T.C.P.L., May 1981

RESPONDENT NAME: _____

ADDRESS: _____

_____

TELEPHONE CONTACTS (# OF TIMES) 1. 2. 3. 4. (unable to contact)

1. Are you one of the owners or a designated representative of the owner of the property described? (Describe the property). Yes ☐ No ☐

2a. Prior to my call were you aware of a proposal by T.C.P.L. to construct a new high pressure pipeline across your property? Yes ☐ No ☐

If yes to the above, then ask Questions #2b and #2c and 2d. If no, then go to #3.

b. On what date and by what method did you first become aware of T.C.P.L.'s proposals to construct this new pipeline?

Date: _____

Method:	Check		Name
	_____	newspaper	_____
	_____	word of mouth	_____
	_____	pipeline officials	_____
	_____	public meetings	_____
	_____	written materials	_____
	_____	other specify	_____

c. Could you please summarize what you now know about this project.

_____

_____

_____

_____

_____

_____

d. What written information have you been given by T.C.P.L. or their representatives about the proposed pipeline and about your rights as a landowner (i.e., the National Energy Board Act, NEB hearings, company's powers of expropriation, etc.).

1. _____

2. _____

3. _____

3a. Are you a member of either the Ontario or the Canadian Federation of Agriculture? Yes ☐ No ☐

b. What newspaper(s) do you regularly read?

List: _____

_____

_____

4a. Are you aware that there is a hearing now scheduled for May 19, 1981 by the National Energy Board in Ottawa to determine whether or not the construction of these facilities will be approved? Yes ☐ No ☐

If yes to the above, then continue with Question #4b.

b. Have you been given any formal written notice of the NEB hearing referred to above? Yes ☐ No ☐

5a. Would you like to be notified prior to the time of the hearing referred to above concerning the plans of T.C.P.L. to build another pipeline across your property? Yes ☐ No ☐

Don't Know ☐ Don't Care ☐

No Comment ☐

b. Please select and rank from the following list the three best ways of notifying you of this project.

		Rank (1-3)
1.	A newspaper story	____
2.	A newspaper legal notice in the classified section	____
3.	An AM radio announcement	____
4.	An FM radio announcement	____
5.	A personally (or hand) delivered written legal notice	____
6.	A written legal notice sent by registered mail to your home or business address	____
7.	A written legal notice sent by prepaid first class mail to your home or business address	____
8.	A written legal notice sent by certified mail to your home or business address	____
9.	Posters in shopping malls or libraries	____
10.	Local organizations (list) _____	____
	_____	
	_____	
11.	Other (Specify) _____	____
	_____	
	_____	

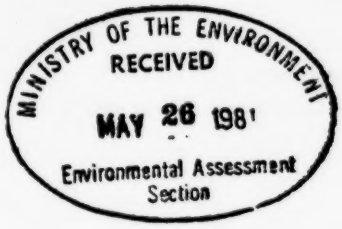
c. Do you know who to contact to obtain information about this pipeline project? Yes ☐ No ☐

d. Would you like to be provided with information concering T.C.P.L.'s plans that involve your property prior to the time of the NEB hearing? Yes ☐ No ☐

APPENDIX B

SAMPLE INDICATION OF INFORMATION PROVIDED TO LANDOWNERS

Unit 2211
1400 Dixie Road
Mississauga
Ontario, L5E 3E1



May 19, 1981

Mr. L. F. Parsons
Environmental Planner
Ministry of the Environment
135 St. Clair Avenue West
Toronto
Ontario, M4V 1P5

Dear Sir:

Re: Pt. E½ Lot 3, Con. 6, WHS
City of Brampton, Regional Municipality of Peel

Further to our telephone discussion we enclose copies of correspondence received from TransCanada Pipelines concerning the second pipeline to be installed within the existing right-of-way.

Thank you for your call in connection with this matter.

Yours truly

R. B. Humeniuk

TransCanada PipeLines
P.O. BOX 54 COMMERCE COURT WEST, TORONTO, CANADA, M5L 1C2
(416) 869-2111

November 1, 1979

Mr. Roman B. Humeniuk
Box 2211, 1400 Dixie Road
Mississauga, Ontario
L5E 3E1

Subject: Pt. E½ Lot 3, Con. 6, WHS
City of Brampton (Ching)
Reg. Mun. of Peel
Instr. 290913 V.S.

Our File: E11-102

TransCanada PipeLines has applied to the National Energy Board for leave to construct a second pipe line on that part of our system which crosses your property. The second pipe line will be installed within the Company's existing right-of-way and construction will be carried out in accordance with the attached easement.

It may be necessary, during the construction period only, to use a strip of your lands approximately 10 metres in width adjacent to our right-of-way for temporary working space.

Every effort will be made on our part to carry out the construction with a minimum of inconvenience to you. If during the construction period there are any problems in connection with the work on your property, we ask that you telephone "collect" to our office in Willowdale, Ontario, 416-493-3715 which is our headquarters for construction in your area.

After construction has been completed, our representative will call on you for the purpose of compensating you for any damage caused by our work.

Yours very truly,

TransCanada PipeLines Limited

L.C. Gillespie
Assistant Manager, Right-of-Way

Delivered by: G E Badgley

Dated: Nov-16/79

TransCanada PipeLines
P.O. BOX 54 COMMERCE COURT WEST, TORONTO, CANADA, M5L 1C2
(416) 869-2111

November 27, 1979

Mr. Roman B. Humeniuk
Box 2211, 1400 Dixie Road
Mississauga, Ontario
L5E 3E1

Re: Our File No. E11-102

We are very pleased to send you our calendar for 1980. We hope that it will serve you in two ways:

1) To help you with your appointments, and

2) To give you a convenient way of getting in touch with us.

We have listed on the calendar the address of our local office which will be happy to arrange for our Right-of-Way Agent to discuss with you anything pertaining to the right-of-way agreement.

Should you require it, our local office will provide you with the exact location of our pipeline or pipelines.

Could we ask a favour of you? If you no longer have an interest in land on our system or if the information on the attached sheet is incorrect, please mark the necessary changes and return it to us in the enclosed stamped, self-addressed envelope.

Yours very truly,

D.C. Calder
Manager, Right-of-Way
& Environmental Affairs

DCC/mj
Encl.

PROPERTY RECORD

FILE:

E11-102

PROPERTY:

Pt. E½ Lot 3, Con. 6, WHS
City of Brampton (Ching)
Reg. Mun. of Peel
Instr. 290913 V.S.

OWNER:

Mr. Roman B. Humeniuk
Box 2211, 1400 Dixie Road
Mississauga, Ontario
L5E 3E1

TENANT:

TransCanada PipeLines
P.O. BOX 54 COMMERCE COURT WEST, TORONTO, CANADA, M5L 1C2
(416) 869-2111

RECEIVED
DEC 4 1980
Ans'd

November 17, 1980

Dr. Roman B. Humeniuk
Box 2211, 1346 Dixie Road
Mississauga, Ontario
L5E 3E1

Re: Our File No. E11-102

We are very pleased to send you our calendar for 1981. We hope that it will serve you in two ways:

1) To help you with your appointments, and

2) To give you a convenient way of getting in touch with us.

We have listed on the calendar the address of our local office which will be happy to arrange for our Right-of-Way Agent to discuss with you anything pertaining to the right-of-way agreement.

Should you require it, our local office will provide you with the exact location of our pipeline or pipelines.

Could we ask a favour of you? If you no longer are the owner of land on our system or if the information on the attached Property Record is incorrect, please mark the necessary changes and return it to us in the enclosed business reply envelope.

Yours very truly,

D.C. Calder
Manager, Right-of-Way
& Environmental Affairs

DCC/mj
Encl.

PROPERTY RECORD

FILE:

E11-102

PROPERTY:

Pt. E½ Lot 3,Con. 6 WHS
City of Brampton (Ching)
Reg. Mun. of Peel
Instr. 290913 V.S.

OWNER:

Dr. Roman B. Humeniuk
Box 2211, 1346 Dixie Road
Mississauga, Ontario
L5E 3E1

TENANT:

Ontario Registry Office
R/W No. CH-6

E.11.102

TRANS-CANADA PIPE LINES LIMITED

GRANT OF EASEMENT

ONTARIO

THIS INDENTURE made the 11th day of September A.D. 19 67

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT.

BETWEEN: Garnet Norman Laidlaw, and Audrey Glenn Laidlaw, both of the Township of Chinguacousy, in the County of Peel, and the Province of Ontario.

(hereinafter called "the Grantor")

OF THE FIRST PART,

TRANS-CANADA PIPE LINES LIMITED, a company incorporated by Special Act of the Parliament of Canada and having its head office at the City of Calgary in the Province of Alberta,

(hereinafter called "the Grantee")

OF THE SECOND PART,

Wife of the Grantor, OF THE THIRD PART,

William Percy Laidlaw
Frances Estelle Laidlaw

(hereinafter called "the Mortgagee")

AND OF THE FOURTH PART;

OF THE FIFTH PART.

WHEREAS the Grantor is the owner of the parcel or tract of land and premises described in the Schedule hereto attached (hereinafter called "the lands of Grantor");

AND WHEREAS the Mortgagee is the registered owner of a mortgage or charge affecting the lands of Grantor;

AND WHEREAS the Party of the Fifth Part has a claim against or an interest in the lands of Grantor of such nature as to constitute him an encumbrancer thereof.

WITNESSETH that in consideration of the sum of ($ 174.00) One-hundred and seventy-four and 00/100 Dollars of lawful money of Canada now paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor and the Mortgagee do hereby grant, convey and transfer unto Grantee, its successors and assigns, the right, license, liberty, privilege and easement on, over, under and through the said lands of Grantor, to lay down, construct, operate, maintain, inspect, alter, remove, replace, reconstruct and repair one or more pipelines for the carriage, conveyance and transportation of natural and artificial gas and other gaseous or liquid hydrocarbons and any product or by-product thereof. Grantor and Grantee agree that as soon as Grantee shall have laid down the initial pipe in the exercise of the foregoing authority, the right, license, liberty, privilege and easement hereby granted, except as hereinafter otherwise specified, shall thereupon and thereafter be confined and restricted to the following portion of the lands of Grantor, (herein called the "Right-of-Way"):

That portion of the lands of Grantor, containing the pipe, lying between lines parallel to and situate 20 feet to the left and 40 feet to the right, (going from the Manitoba border across Ontario to the Quebec border), measured at right angles from the surveyed line of the initial pipe, as located by Grantee in connection with its undertaking across the said lands of Grantor or across lands adjacent to the said lands of Grantor, if the said surveyed line is not actually located on said lands of Grantor, such parallel lines being produced where required to intersect the boundary lines of the lands of Grantor or to enclose the Right-of-Way and easement.

Grantee shall have and is hereby given the exclusive right, license, liberty and privilege on, over, under and through the said Right-of-Way to construct, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and repair all the works of the Grantee useful in connection with its undertaking including, but without limiting the generality of the foregoing, all such drips, valves, fittings, meters and other equipment and appurtenances as may be necessary or convenient in connection therewith, together with the right to use such of the lands of the Grantor immediately adjacent to either side of the said Right-of-Way as may reasonably be required by the Grantee in connection with the construction of the pipelines and works of the Grantee, and together with the right of ingress and egress to and from the said Right-of-Way for its servants, agents, contractors and sub-contractors with vehicles, supplies and equipment for all purposes necessary or incidental to the exercise and enjoyment of the right and privilege herein granted as and from the date hereof and for so long thereafter as the Grantee desires to exercise the rights and privileges hereby granted.

The aforesaid rights, privileges and easements are herein granted on the following terms, stipulations and conditions which are hereby mutually convenanted and agreed to by and between Grantor and Grantee:

FIRST: Grantor and Grantee mutually agree that when and so soon as Grantee shall file a plan of the Right-of-Way ascertained as above, based upon a survey in accordance with the requirements of the Surveys Act in the proper Registry Office, such plan and the survey upon which it is based defining the Right-of-Way hereby granted, shall be substituted for the description of the Right-of-Way as hereinbefore described and shall in all respects thereafter establish, govern and define the Right-of-Way.

Grantor and Grantee authorize the proper registrar of deeds to make such entries in the register as may be necessary to give effect to the preceding paragraph.

The Grantor further agrees to accept the accuracy of the said survey and the plan so deposited without examination or further approval and authorizes the proper registrar of deeds to accept the plan for filing without his signature thereon.

SECOND: In the event Grantee shall not have constructed a pipeline in such manner that the Right-of-Way has been ascertained over or across the lands of Grantor on or before December 31st , 68 , this easement and the rights, licenses, liberties and privileges hereby granted shall thereupon terminate, and Grantee agrees thereupon to execute and file such documents as may be necessary to effect a termination of its rights and interests in the lands of Grantor under this instrument.

THIRD: The Grantor shall not, without the prior consent of the Grantee excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the said Right-of-Way any pit, well, foundation, pavement or other structure or installation, but otherwise the Grantor shall have the right fully to use and enjoy the said Right-of-Way subject always to and so as not to interfere with the easements, rights and privileges hereby granted and conferred upon the Grantee.

FOURTH: The Grantee shall compensate the Grantor for damage done to any buildings, crops, fences, timber and live stock on the said lands of Grantor by reason of the exercise of the rights hereinbefore granted.

FIFTH: After laying pipe, or making other installations on the said Right-of-Way the Grantee shall, as soon as weather and soil conditions permit and insofar as it is practicable so to do, bury and maintain all pipe lines so as not to interfere with the drainage or ordinary cultivation of the said Right-of-Way.

SIXTH: Notwithstanding any rule of law or equity, the pipe (which term shall include all pipe lines, drips, valves, fittings, connections, meters and all other equipment and appurtenances brought on to, laid or erected upon or buried in or under the said Right-of-Way by the Grantee) shall at all times remain the property of the Grantee notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantee or its assigns.

SEVENTH: Upon the discontinuance of the use of the said Right-of-Way and of the exercise of the easement rights and privileges herein granted, the Grantee shall restore the said Right-of-Way to the same condition so far as is practicable so to do as the same was in prior to entry thereon and use thereof by the Grantee but the Grantee may, at its option, leave the pipe in place.

EIGHTH: The Grantee performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the rights, liberties, privileges and easements hereby granted without hindrance, molestation or interruption on the part of the Grantor or of any person claiming by, through, under or in trust for, the Grantor.

NINTH: All notices to be given hereunder may be given by registered letter addressed to the Grantee at 330 Ninth Avenue West, Calgary, Alberta and to the Grantor at Norval, R.R.2. or such other address as the Grantor and the Grantee may respectively from time to time designate in writing, and any such notice shall be deemed to have been given to and received by the addressee three (3) days after the mailing thereof, postage prepaid and registered.

TENTH: Neither this Indenture nor anything herein contained shall affect or prejudice the Grantee's statutory rights to acquire the said Right-of-Way or any other portion or portions of the lands of the Grantor under the provisions of the Pipe Lines Act of Canada or any other laws, which rights the Grantee may exercise in its discretion.

ELEVENTH: If it shall appear that at the date hereof the Grantor is not the sole owner of the lands of the Grantor this Indenture shall nevertheless bind the Grantor to the full extent of his interest therein, and if he shall later acquire a greater or the entire interest, this Indenture shall likewise extend to such after-acquired interest. All monies payable hereunder shall be paid to the Grantor only in the proportion that his interest in the lands of the Grantor bears to the entire interest therein.

TWELFTH: The rights, liberties, privileges and easements hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this Indenture, including all the covenants and conditions herein contained, shall extend to, be binding upon and enure to the benefit of the heirs, executors, administrators, successors-in-title and assigns of the parties hereto respectively and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or the neuter, as the case may be, had been used, where the context or the party or parties hereto so require, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

THIRTEENTH: The rights, licenses, liberties, privileges and easements herein granted are declared to be appurtenant to the lands of the Grantee being: Part of Lot 29, Sixth Concession, Township of Vaughan, County of York, in the Province of Ontario.

THE said Grantor covenants with the said Grantee that he has the right to convey the said easements to the said Grantee notwithstanding any act of the said Grantor.

AND THAT the said Grantee shall have quiet possession of the said Right-of-Way, free from all encumbrances.

AND the said Grantor covenants with the said Grantee that he will execute such further assurances of the said easements as may be requisite.

AND the said Grantor covenants with the said Grantee that he has done no act to encumber the said Right-of-Way.

AND, save as aforesaid, the said Grantor releases to the said Grantee all his claims upon the said Right-of-Way.

AND the said wife of the said Grantor hereby bars her dower in the said Right-of-Way.

AND the said Mortgagee covenants that the said Grantee shall have quiet possession of the said Right-of-Way but no further or other covenant on the part of the Mortgagee shall be implied by reason of this Indenture.

AND the Party of the Fifth part to the extent of his interest in the lands of the Grantor hereby consents to and agrees in the grants herein contained and for himself, his heirs, executors, administrators, successors and assigns hereby subordinates and postpones all his right, title and interest in the said Right-of-Way to the Grantee and the rights, licenses, liberties, privileges and easements herein granted.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED and DELIVERED
in the presence of:

G.E. Bradley

Garnet Norman Laidlaw — Grantor

Audrey Gleam Laidlaw — Grantor

G.E. Bradley
as to both parties

TRANS-CANADA PIPE LINES LIMITED

Per ..... Its Attorney

William Percy Laidlaw — Mortgagee

Frances Estelle Laidlaw — Mortgagee

The Power of Attorney from Trans-Canada Pipe Lines Limited to the above named attorney was registered in the Registry Office for the Registry Division of the County of Peel on the 23rd day of August 1957, as number 10578 G.R.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Chinguacousy in the County of Peel and Province of Ontario

and being composed of the East half of Lot No. 3 in the 6th Concession West of Hurontario Street of the said Township, containing 100 acres more or less.

SAVING AND EXCEPTING thereout and therefrom all that part thereto more particularly described as follows:
PREMISING that the North East limit of the said Lot 3 has an assumed astronomic bearing of North 45°11' West and relating all bearings quoted herein thereto, and Commencing at an iron bar planted in the said North East limit of Lot 3 distant 319 feet 6-3/4 inches measured Northerly therealong from an iron planted at the most Easterly angle of said Lot 3;
THENCE continuing along the North East limit of said Lot 3 North 45°11' West 278 feet 8 inches to an iron bar planted in the same;
THENCE South 44°49' West 156 feet 3-3/4 inches to an iron bar planted;
THENCE South 45°11' East 278 feet 8 inches to an iron bar planted;
THENCE North 44°49' East 156 feet 3-3/4 inches more or less, containing 1 acre.

ALSO SAVING AND EXCEPTING thereout and therefrom all the part thereto more particularly described as follows:
COMMENCING at an iron bar in the Easterly limit of Lot 3 which is also the Westerly limit of the road allowance between Concessions 5 & 6 West of Hurontario Street at a point distant 381 feet 9-3/4 inches North Westerly from the limit between Lots 2 & 3 where it intersects the Westerly limit of the road allowance between Concessions 5 & 6;
THENCE South 44°49' West a distance of 156 feet 3-3/4 inches to the place of commencement;
THENCE continuing South 44°49' West a distance of 44 feet 9-7/16 inches to a point;
THENCE North 45°11' West a distance of 216 feet 5 inches to a point;
THENCE North 44°49' East a distance of 44 feet 9-7/16 inches to a point;
THENCE South 45°11' East 216 feet 5 inches to the place of beginning.

MEMORANDUM OF ENCUMBRANCES

The lands of Grantor herein above described are subject to the following mortgages, liens or other encumbrances:

Name of Holder	Address	Nature of Encumbrance

Grantor

County OF York
TO WIT:

I, Grant E Badgley of Belleville in the County of Hastings agent for the City MAKE OATH AND SAY:

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by Garnet Norman Laidlaw, Audrey Glenn Laidlaw, William Percy Laidlaw and Frances Estelle Laidlaw the parties thereto.

2. THAT the said Instrument and duplicate were executed by the said part ies at the Village of Norval

3. THAT I know the said part ies

4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the City of Toronto in the County of York this 9th day of October A.D. 1957

G E Badgley

Walter D Day
A Commissioner for taking Affidavits, etc.
My Comm. expires Aug. 15/60

THE REGISTRY ACT
County OF Peel
TO WIT:

I, (We), the William Percy Laidlaw and Frances Estelle Laidlaw of the Village of Norval in the County of Peel (Severally) MAKE OATH AND SAY:

1. THAT I am (one of) the Grantor(s) named in the attached Grant of Easement.

2. THAT at the time of the execution and delivery by me of the said Grant of Easement ~~I was~~ we were of the full age of 21 years.

(Severally) SWORN before me at the Village of Norval in the County of Peel this 9th day of October A.D. 1957.

William P Laidlaw
Frances E Estelle Laidlaw

Walter D Day
A Commissioner for Oaths in and for the Province of Ontario. My commission expires Aug. 15/60

T.C.P.L. 238

EASEMENT REG'D

Dated September 4th A.D. 1957

GARNET NORMAN LAIDLAW and AUDREY GLENN LAIDLAW —and— TRANS-CANADA PIPE LINES LIMITED

Grant of Easement
ONTARIO

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of the County of Peel.
For Chinguacousy At 11:20 o'clock A.M. on 5 JUN 1958
A.D. No. 25770
Allan Scott Registrar

TRANS-CANADA PIPE LINES LIMITED
ARNOLD, FRASER, CAMPBELL, CRAWFORD & LAIDLAW
80 KING STREET WEST
TORONTO ONTARIO

AFFIDAVIT, THE REGISTRY ACT
IN THE MATTER OF THE MORTMAIN AND CHARITABLE USES ACT

PROVINCE OF ONTARIO
County OF York
TO WIT:

I, Douglas Cameron Calder of the City of Toronto in the County of York MAKE OATH AND SAY:

1. THAT I am the Right of Way Manager of the Grantee Trans-Canada Pipe Lines Limited named in the annexed instrument, and as such have knowledge of the matters herein deposed to.

2. THAT the lands described in the annexed instrument are not assured to TRANS-CANADA PIPE LINES LIMITED contrary to the provisions of Section 2 of the Mortmain and Charitable Uses Act of Ontario.

SWORN before me at the City of Toronto in the County of York this 18th day of November A.D. 1957

D C Calder

A Commissioner for taking Affidavits, etc.